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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/849,299	05/20/2004	Tamaki Koide	13061-1	5595
23838	7590	06/08/2006	EXAMINER	
KENYON & KENYON LLP 1500 K STREET N.W. SUITE 700 WASHINGTON, DC 20005			KRAUSE, JUSTIN MITCHELL	
			ART UNIT	PAPER NUMBER
			3682	

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/849,299	KOIDE, TAMAKI	
	Examiner	Art Unit	
	Justin Krause	3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 20 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 May 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/20/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Figure 5 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 7, 8 and 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 7 and 8, it is not clear how the base side link includes a rotation axis. A rotation axis is imaginary and it is unclear how it is included in the physical link member.

In claim 11, the phrase, "for causing an irregular feeling to motion of said shift lever" is grammatically awkward and it is unclear what is meant. Further, it is not clear

what is defined as "irregular" and an "irregular feeling" is relative to the basis of what is considered 'regular' and such a 'regular' feeling is undefined.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1- are rejected under 35 U.S.C. 102(b) as being anticipated by Heizmann (US Patent 5,022,281).

Heizmann discloses a shift lever apparatus comprising:

-a base member (23)

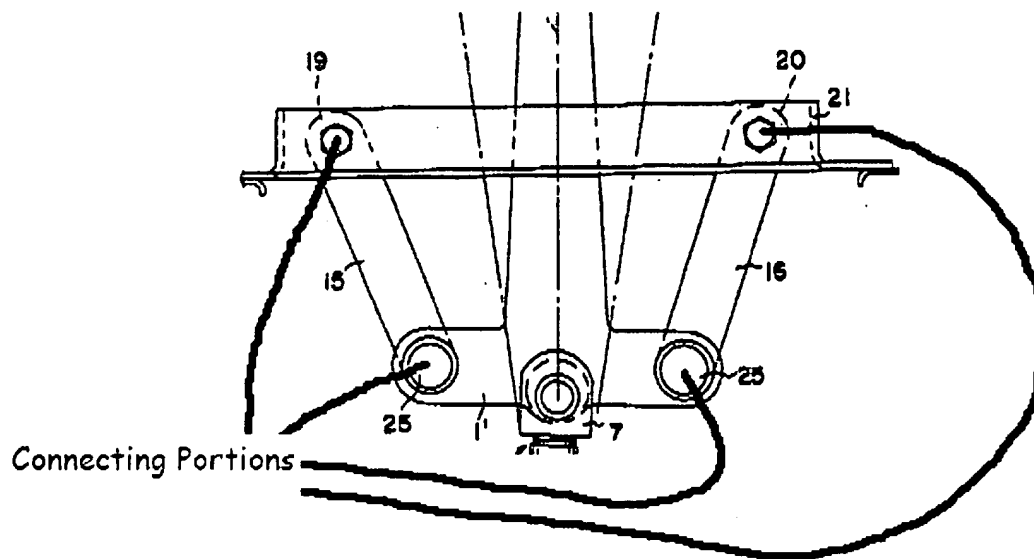
-a shift lever (1)

-at least one planar four bar linkage (21,15,16,1') supporting the shift lever

Regarding claim 2, the planar four bar linkage includes a base-side link element (21), a lever side link element (1') opposing the base-side link and a pair of connecting elements (15,16) connecting the lever-side and base-side link element, the shift lever is supported by the lever-side link, the base member supports the base-side link.

Regarding claim 3, the four bar linkage inherently includes an operational plane in which the four link elements conduct a link motion and the lever-side link is substantially parallelly shifted in the operational plane.

Regarding claim 4, the four bar linkage includes four connecting portions connecting the lever-side link element, the base-side link element and pair of connecting link elements to each other, the four connecting portions having parallel rotation axes.



Regarding claim 6, the operational plane of the planar four bar linkage is movable in a direction perpendicular to the operational plane (See fig 2 or 4)

Regarding claim 7, as best understood, the base link element includes a rotational axis (22) and the operational plane is rotatable about the rotation axis in a direction perpendicular to the operational plane.

Regarding claim 8, the four bar linkage includes an operational plane in which the four link elements conduct a link motion, a base side link element includes a rotation axis and the operational plane of the four bar linkage is rotatable about the rotation axis in a plane perpendicular to the operational plane.

Claim Rejections - 35 USC § 103

6. Claims 5 and 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heizmann in view of Marks' Standard Handbook for Engineers (10th ed. 1996).

Heizmann discloses all of the claimed subject matter as described above including the base side link and lever side link being parallel to each other but does not disclose the connecting link elements to be parallel to each other.

Marks' teaches that it is known to have a four bar linkage with 2 pairs of parallel links, forming a parallelogram four bar linkage, which has the advantage of being able to transmit pure translational motion relative to the base.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Heizmann and make the connecting links parallel to each other as taught by Marks', the motivation would have been to produce only translational motion with the four-bar linkage.

Regarding claim 10, the kinematics of the device are dictated by the location of the link end points. So long as the end points remain in the same position relative to each other, the connecting links may be any shape and not alter the function of the device in any way.

7. Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heizmann in view of Kataumi (US Patent 6,148,686).

Heizmann discloses all of the claimed subject matter as described above but does not disclose a gate member including a shift lever path through which the shift lever extends, including two path portions extending parallel to each other, the gate member including an intermediate wall located between the two path portions having parallel opposite side surfaces.

Kataumi teaches a gate member (22) including a shift lever path (23) through which a shift lever (18) extends, the lever path including two path portions (see fig 4) extending parallel to each other, also including an intermediate wall located between the two path portions having opposite sides parallel to each other for the purpose of guiding the shifter by providing a slotted path to follow and providing indicating marks as to what gear is selected.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to add the gate member of Kataumi to the shift lever apparatus of Heizmann, the motivation would have been to provide the shifter guidance through a slotted pathway and provide indication of the selected gear.

Regarding claim 11, Kataumi discloses the base member having a plurality of concave surfaces (collectively 41) spaced from each other, and a cylinder portion (31) is provided to a link element, a pin (40) being slidably inserted into the cylinder portion and biased against the surface of the base member (by spring 39).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Krause whose telephone number is 571-272-3012. The examiner can normally be reached on Monday - Friday, 7:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMK
6/6/06


RICHARD RIDLEY
SUPERVISORY PATENT EXAMINER